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In the Matter of)
)
 MUR 6046) **CASE CLOSURE UNDER THE**
 BEN CRYSTAL FOR CONGRESS) **ENFORCEMENT PRIORITY SYSTEM**
)

GENERAL COUNSEL'S REPORT

Under the Enforcement Priority System, matters that are low-rated

are forwarded to the Commission with a recommendation for dismissal. The Commission has determined that pursuing low-rated matters compared to other higher-rated matters on the Enforcement docket warrants the exercise of its prosecutorial discretion to dismiss these cases.

The Office of General Counsel scored MUR 6046 as a low-rated matter. The complainant, Edward B. Hula, III, alleges that the Ben Crystal for Congress Committee ("Committee") failed to affix appropriate disclaimers on certain campaign signs that it distributed throughout Georgia's 10th Congressional District just prior to the state's primary election. Specifically, the campaign advertising read "Ben Crystal for Congress," but failed to include the required disclaimer, as provided for under 2 U.S.C. § 441d.

The Committee responded by acknowledging that the signs that it initially produced and distributed did not contain the appropriate disclaimers. The Committee notes, however, that the error was rectified prior to the complaint being filed in this matter.

1 In light of the apparent quick remedial action taken by the Committee coupled
2 with the de minimis amount involved in the violation, and in furtherance of the
3 Commission's priorities and resources, relative to other matters pending on the
4 Enforcement docket, the Office of General Counsel believes that the Commission should
5 exercise its prosecutorial discretion and dismiss this matter. *See Heckler v. Chaney*, 470
6 U.S. 821 (1985). Additionally, this Office recommends that the Committee and its
7 treasurer, in his official capacity, be cautioned that their failure to display an appropriate
8 disclaimer on certain campaign signs could have violated the disclaimer requirements
9 under 2 U.S.C. § 441d.


10 **RECOMMENDATION**

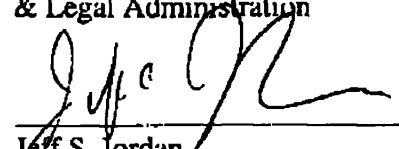
11 The Office of General Counsel recommends that the Commission dismiss
12 MUR 6046, send a cautionary notification to Ben Crystal for Congress and Walter F.
13 Harper, as treasurer in his official capacity, close the file, and approve the appropriate
14 letters.

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16 Thomasenia P. Duncan
17 General Counsel
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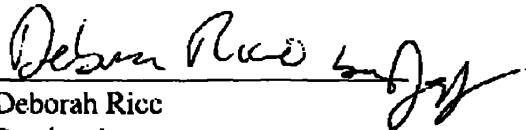
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23 BY:

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25 Gregory R. Baker
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